

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

MELINDA SPURLOCK,

Plaintiff,

v.

CIVIL ACTION NO. 3:12-2062

MICHAEL J. ASTURE,  
Commissioner of the Social  
Security Administration,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Defendant's Motion for Judgment on the Pleadings (ECF No. 15), deny Plaintiff's Motion for Judgment on the Pleadings and Motion to Remand (ECF Nos. 7, 8), affirm the final decision of the Commissioner, and dismiss this action from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendant's Motion for Judgment on the Pleadings (ECF No. 15), **DENIES** Plaintiff's Motion for Judgment on the Pleadings and Motion to Remand (ECF Nos. 7, 8), **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the docket of the Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 6, 2013

  
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ROBERT C. CHAMBERS, CHIEF JUDGE